

**ORDINANCE NO. 11-46**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA SUBMITTING TO THE ELECTORATE AT A CITY OF HIALEAH MUNICIPAL ELECTION HELD IN CONNECTION WITH THE MIAMI-DADE COUNTY GENERAL ELECTION CONDUCTED IN THE CITY OF HIALEAH, FLORIDA ON TUESDAY, NOVEMBER 1, 2011, WHEREIN THE ELECTORS OF THE CITY OF HIALEAH, FLORIDA SHALL BE PRIVILEGED TO VOTE ON THE FOLLOWING QUESTION:

**“CHARTER CHANGE CONCERNING SALARY AND EXPENSE ACCOUNT OF MAYOR.**

**SHALL THE CITY AMEND ITS CHARTER TO ESTABLISH THE ANNUAL SALARY OF THE MAYOR IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) AND THE ANNUAL EXPENSE ACCOUNT OF THE MAYOR IN THE AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000)?”**

REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CHARTER; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Council and the Mayor present for referendum proposed changes to the Hialeah Charter, upon public comment at the public meeting before the City Council and at a public meeting to receive public comment conducted at the JFK Library; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The Charter of the City of Hialeah, Florida, particularly, Article II.

Mayor and the City Council, is hereby amended to read, if approved by voter referendum, as follows:

**CHARTER**

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**ARTICLE II. MAYOR AND CITY COUNCIL**

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**Section 2.01. Mayor**

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(e) Compensation. The annual salary of the mayor shall be established in the amount of \$150,000. The annual expense account of the mayor shall be established in the amount of \$40,000 to defray travel, per diem, meals and other travel-related expenses in connection with the duties of the mayor. The combined salary and the expense account shall be the total annual compensation of the mayor. The salary and expense account shall be provided in the annual budget adopted by ordinance.

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**Section 2:** The Mayor and the City Council of the City of Hialeah, Florida hereby submit the following question to the electorate at a Special City of Hialeah Election held in conjunction with the Miami-Dade County General Election on Tuesday, November 1, 2011, to which the electors of the City of Hialeah, Florida may vote "Yes" or "No":

**“CHARTER CHANGE CONCERNING SALARY  
AND EXPENSE ACCOUNT OF MAYOR.**

**SHALL THE CITY AMEND ITS CHARTER TO  
ESTABLISH THE ANNUAL SALARY OF THE  
MAYOR IN THE AMOUNT OF ONE HUNDRED  
FIFTY THOUSAND DOLLARS (\$150,000) AND THE  
ANNUAL EXPENSE ACCOUNT OF THE MAYOR IN  
THE AMOUNT OF FORTY THOUSAND DOLLARS  
(\$40,000)?”**

**Section 3:     Conduct of Election.**

The Miami-Dade County Supervisor of Elections is requested and authorized to conduct these elections in accordance with the general election laws of the State of Florida and the Charter and Code of the City of Hialeah, Florida. The City will pay all expenses associated with these elections unless some of the expenses are shared with other governmental entities. The Miami-Dade County Supervisor of Elections shall appoint an Election Board to assist the Elections Department in conducting the elections. The City of Hialeah will make the final certification of results.

**Section 4.     Form of Ballot.**

The ballot form to be used shall be as provided by the Miami-Dade County Supervisor of Elections.

**Section 5.     Opening and Validating Absentee Ballots.**

The criteria and requirements for opening and validating of absentee ballots and canvassing of ballots shall be same as followed by the Miami-Dade County Supervisor of Elections. All absentee ballots shall comply with the minimum requirements of state law.

**Section 6.     Canvassing Board.**

The City of Hialeah hereby designates the Miami-Dade County Canvassing Board to perform all functions of the Canvassing Board for the City.

**Section 7.     Certification of Results.**

The Miami-Dade County Canvassing Board will make the official certification of the election results on Monday, November 7, 2011 at a special meeting for all ballots cast in the election.

**Section 8: Registration of Voters.**

The Miami-Dade County Supervisor of Elections will register voters for the City of Hialeah Municipal Primary Election until 5:00 p.m., on Monday, October 4, 2010. All persons eligible to vote at these elections must be registered before the times stipulated above or have registered previously, as provided by law.

**Section 9: Polling Places, Hours of Voting.**

Polling places for these elections will be as designated by the Miami-Dade County Supervisor of Elections and will be open from 7:00 a.m. to 7:00 p.m. on Election Day. The times and dates of early voting shall be provided in accordance with the early voting schedule provided by Miami-Dade County for voters in Miami-Dade County.

**Section 10: Notice.**

Notice of these elections shall be according to state law.

**Section 11. Inclusion in Charter**

The Charter Amendments provided in this ordinance shall be included and incorporated in the Charter of the City of Hialeah, Florida if the question presented is answered in the affirmative by a referendum of the electors of the City of Hialeah, Florida and the results of the election are certified.

**Section 12: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 13: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having

jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 14: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 15: Effective Date.**

This Ordinance shall become effective when passed by the City Council and when signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

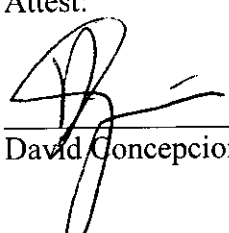
PASSED and ADOPTED this 26th day of July, 2011.

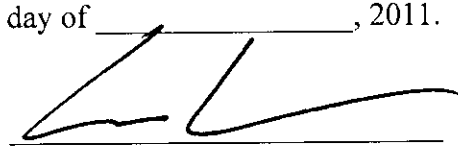
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Isis Garcia-Martinez  
Council President

Attest:

Approved on this \_\_\_\_ day of \_\_\_\_, 2011.

  
David Concepcion, Acting City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Hernandez and Yedra voting "Yes", Councilmember Gonzalez absent.